
OLR Bill Analysis

SB 506

AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR ALL PRIVATE FIREARM SALES.

SUMMARY:

This bill subjects private or second-hand sales and transfers of long guns (shot guns and rifles), which are currently unregulated, to the same degree of regulation as sales and transfers by gun dealers (federally licensed firearm dealers).

Thus, a person acquiring a long gun from anyone, not just from a dealer, must undergo a criminal history background check, and the State Police must approve the sale or transfer by providing an authorization number.

Also, unless exempt, anyone acquiring a long gun from a nondealer, not just from a dealer, must wait two weeks from the date he or she applies to purchase or acquire the firearm before the seller can deliver it to him or her.

The bill also requires anyone buying a long gun from any seller to complete a receipt for the firearm and dealers to document sales and transfers with state and local police and keep the documentation for five years. It eliminates exemptions in current law to these requirements for certain transactions with dealers.

The bill exempts, from all of the transfer procedures and provisions, transactions between family members and between federal firearm licensees.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2013

LONG GUN TRANSFER PROCEDURES***Application to Buy Firearms***

As is currently the case for long gun purchases from a gun dealer, the bill requires anyone buying or otherwise acquiring a long gun from a nondealer to complete a Department of Emergency Services and Public Protection (DESPP) application (currently Form DPS-67-C) for the firearm. It requires the transferor to attach the form to the federal sale or transfer document and maintain it for at least 20 years. By law, dealers must maintain the application for at least 20 years or until they go out of business. (The federal transfer document is available to federal licensees. It is unclear if it is available to nondealers.)

Waiting Period, Documentation, and Record Retention

With some exceptions, current law prohibits a dealer from selling or transferring a long gun to anyone until (1) two weeks after the application date and (2) the State Police provides an authorization number for the sale or transfer. Also:

1. upon delivery of the firearm, the person must sign a receipt for it (currently Form DPS-3-C);
2. within 24 hours of the delivery, the dealer must transfer one copy of the receipt to the DESPP commissioner and one to the police chief (or borough warden or first selectman, where applicable) in the town where the buyer or transferee resides; and
3. the dealer must maintain one copy of the receipt together with the original application for five years.

Current law exempts from all these provisions (except the authorization number requirement) transactions with (1) federal marshals and parole and peace officers; (2) anyone who holds a valid eligibility certificate, handgun permit, or hunting license; (3) U.S. Armed Forces members or Reservists; and (4) anyone acquiring antique firearms.

The bill retains the waiting period exemptions for the above-mentioned people buying long guns from gun dealers and extends it to second-hand purchases by these individuals. It eliminates the other exemptions and subjects everyone, whether buying from a dealer or other person, to the requirements.

The bill exempts from all of its provisions the sale, delivery, or transfer of long guns between (1) federal firearm licensees (manufacturers, dealers, and importers) and (2) an individual and his or her parent, spouse, child, sibling, grandparent, or grandchild.

Packaging of Long Guns

As is currently the case for dealer sales, when a nondealer sells or transfers a long gun, the bill requires the firearm to be empty and enclosed in a securely fastened package.

BACKGROUND

Application to Purchase a Firearm

Anyone buying a long gun from a dealer must complete Form DPS-67-C—Application to Purchase a Firearm. The applicant must provide certain information on the form, including his or her name, date of birth, and social security number, and other specified information to help determine eligibility to possess a firearm.

Receipt for Firearm

Anyone taking possession of a long gun from a dealer must sign a receipt for the firearm, providing information on the firearm (e.g., caliber and gauge, barrel length, manufacturer's name); the transaction; and the seller and buyer.

Related Bills

SB 710, reported favorably by the Public Safety and Security Committee establishes a (1) permit for anyone who sells long guns at retail and (2) gun show permit for anyone putting on a gun show.

SB 897, reported favorably by the Public Safety and Security Committee (1) requires gun show promoters to notify the public safety

commissioner when they plan to hold a gun show and (2) makes miscellaneous changes.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/19/2013)